

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

James Edward Workman,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
LHC Group, Inc.,)	JURY DEMAND
)	
Defendant.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant LHC Group, Inc. (“LHC”) hereby provides notice of removal of this action from the Circuit Court of Wythe County, Virginia to this Court. In support of removal, LHC states as follows:

1. This action was commenced on October 13, 2023 in the Wythe County Circuit Court, styled as *James Edward Workman v. LHC Group, Inc.* A copy of all process, pleadings, and orders is attached hereto as Exhibit A. Plaintiff served the Complaint on LHC on October 19, 2023.

2. Plaintiff alleges in the Complaint that he is a resident of Wythe County, Virginia. *See* Exhibit A, Complaint at ¶ 2.

3. LHC is a Delaware corporation with its principal place of business located at 901 Hugh Wallis Road South, Lafayette, Louisiana 70508. For purposes of determining diversity of citizenship, a corporation (such as LHC) is a citizen of its state of incorporation and the state where it has its principal place of business. *Navy Fed. Credit Union v. LTD Fin. Servs., LP*, 972 F.3d 344, 360 (4th Cir. 2020). Accordingly, LHC is a citizen and resident of Delaware and Louisiana.

4. Because Plaintiff is a citizen and resident of Virginia and LHC is a citizen and resident of Delaware and Louisiana, complete diversity exists between the parties and this Court has jurisdiction over this matter pursuant to 29 U.S.C. § 1332.

5. Plaintiff seeks to recover compensation for lost wages, benefits, and “other remuneration,” together with interest, as well as attorney fees and costs. He also claims he is entitled to “further relief as justice may require” and seeks damages in the amount of Five Million Dollars, obviously an amount significantly in excess of the jurisdictional threshold for diversity cases. *See* Exhibit A, Complaint at 5-6; *Choice Hotels Int’l, Inc. v. Shiv Hosp., L.L.C.*, 491 F.3d 171, 176 (4th Cir. 2007) (The amount in controversy is from the complaint itself, unless it appears the amount is not claimed in good faith); *Scott v. Cricket Commc’ns, LLC*, 865 F.3d 189, 194 (4th Cir. 2017) (“[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.”); *U.S. Bank Tr. Nat’l Ass’n as Tr. of Cabana Series III Tr. v. Haring*, 2020 WL 5531492, *6 (W.D. Va. Sept. 8, 2020) (defendant’s amount-in-controversy allegation should be accepted when not contested by plaintiff or questioned by the court). Thus, removal is proper under 28 U.S.C. § 1441(b) and § 1446(c). *See* 28 U.S.C. § 1446(c)(2)(B).

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the Western District of Virginia embraces Wythe County, the place where the state court action was pending.

7. A true and correct copy of this Notice of Removal is being filed contemporaneously herewith with the Wythe County Circuit Court.

8. Copies of this Notice of Removal and the Notice of Filing Notice of Removal to the Wythe County Circuit Court are being served upon all parties to this action. A copy of the Notice of Filing Notice of Removal excluding Exhibit 1 is attached hereto as Exhibit B.

9. By filing this Notice of Removal, LHC does not waive, either expressly or impliedly, its respective rights to assert any defense or privilege it could have asserted in the Wythe County Circuit Court. LHC reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, LHC removes the action now pending in the Wythe County Circuit Court, to the United States District Court for the Western District of Virginia.

/s/ Justin M. Sizemore

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal has been served *via* the Court's electronic filing system upon the following:

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on this the 9th day of November 2023.

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